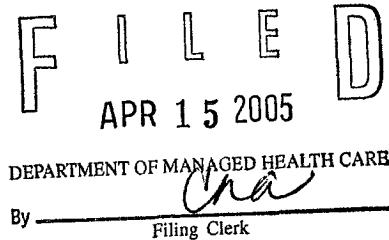


1 AMY L. DOBBERTEEN  
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4 CALIFORNIA DEPARTMENT OF  
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5 Office of Enforcement  
980 Ninth Street, Suite 500  
6 Sacramento, CA 95814-7243  
Telephone: (916) 323-0435  
7 Facsimile: (916) 323-0438

8 Attorneys for Complainant



10 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE  
11 OF THE STATE OF CALIFORNIA

12 IN THE MATTER OF:

13 **ELISA D. COOPER**

14 Respondent.

) DMHC No.: 05-081

) OAH No.: N2005040011

) **AMENDED ORDER FOR  
DISCONTINUANCE OF INJURIOUS  
PRACTICES**

17 **TO: ELISA D. COOPER**  
18 **1819 Oregon Street**  
19 **Alameda, CA 94703**

20 The Director of the Department of Managed Health Care, by and through her  
21 designee, Assistant Deputy Director Amy L. Dobberteen, after investigation, determines as  
22 follows:

23 **PARTIES**

24 1. The Director of the Department of Managed Health Care is vested with the  
25 responsibility to administer and enforce the Knox-Keene Health Care Service Plan Act of  
26 1975, Health and Safety Code section 1340 *et seq.* ("Knox-Keene Act"). The intent and  
27 purpose of the Knox-Keene Act is to promote the delivery and quality of health and medical  
28 care to the people of California who enroll in health care service plans by, among other

1 things, ensuring that subscriber and enrollee private medical information is confidentially  
2 maintained. (Health and Safety Code section 1386, subdivision (b)(15).)

3 2. Respondent Elisa D. Cooper is a person as defined by Health and Safety Code  
4 section 1345, subdivision (j) and is therefore subject to the jurisdiction of the Department of  
5 Managed Health Care. Respondent's address of record is 1819 Oregon Street, Berkeley,  
6 California 94703.

### 7 STATUTORY AUTHORITY

8 3. The Director is empowered to enforce compliance with this Act by Health and  
9 Safety Code section 1391.5, subdivision (a), which provides:

10 If, after examination or investigation, the director has  
11 reasonable grounds to believe that irreparable loss and injury  
12 to the plan's enrollee or enrollees occurred or may occur as a  
13 result of any act or practice unless the director acts  
14 immediately, the director may, by written order, addressed to  
that person, order the discontinuance of the unsafe or  
injurious act or practice. The order shall become effective  
immediately, but shall not become final except in accordance  
with this section.

15 4. A person subject to an order issued pursuant to Health and Safety Code section  
16 1391.5 may request a hearing pursuant to Health and Safety Code section 1391.5,  
17 subdivision (b), which provides:

18 No order issued pursuant to this section shall become final  
19 except after notice to the affected person of the director's  
20 intention to make the order final and of the reasons for the  
21 finding. The director shall also notify that person that upon  
22 receiving a request for hearing by the plan, the matter shall be  
set for hearing to commence with [sic] 15 business days after  
receipt of the request, unless that person consents to have the  
hearing commence at a later date.

23 5. The order shall become final on the 15th day without a hearing and shall not be  
24 subject to review by any court or agency. (Health and Safety Code section 1391.5,  
25 subdivision (c).)

26 ///

27 ///

28 ///

1                   **VIOLATIONS OF KNOX-KEENE ACT BY RESPONDENT**

2           6.       On or about July 2004, respondent used and posted a link on a blog-site to  
3 private and confidential medical information on a publicly accessible Internet website. The  
4 link accessed a site that had confidential medical information that contained patient names,  
5 lab tests, and other unique and identifiable information about the patients. The linking of  
6 confidential medical information is considered an injurious act. (Civil Code section 56 *et*  
7 *seq.*, Health and Safety Code section 1391.5, subdivision (a).)

8           7.       On or about March 9, 2005, respondent again publicly stated her intention to  
9 continually post the confidential medical information. Respondent's statement indicating her  
10 intention to use and post confidential medical information demonstrates that future  
11 irreparable harm or loss may occur. The Department considers such future dissemination a  
12 violation of Health and Safety Code section 1391.5, subdivision (a).

13                   **RESPONDENT'S POSITION**

14           Respondent alleges that she had a good-faith intent when she posted a link revealing a  
15 third party's disclosure of confidential patient information.

16                   **ORDER**

17           Based on the foregoing, the Director finds that Respondent has caused irreparable loss  
18 and injury to managed health care enrollees and may cause future loss and injury by similar  
19 acts.

20    ///

21    ///

22    ///

1           **THEREFORE**, the Director, pursuant to Health and Safety Code section 1391.5,  
2 **ORDERS AS FOLLOWS:**

- 3           1.     Respondent shall immediately cease and desist the unauthorized use and  
4                 dissemination of any confidential medical information;  
5           2.     Respondent shall immediately cause to have removed all confidential medical  
6                 information from any medium it was disseminated to; and,  
7           3.     This Order shall be effective immediately and shall continue in full force and  
8                 effect until further order of the Director.

9  
10 Dated: April 15, 2005

LUCINDA EHNES, Director  
Department of Managed Health Care

11  
12  
13  
14 By: \_\_\_\_\_

  
AMY L. DOBBERTEN  
Assistant Deputy Director  
Office of Enforcement

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11 **OF THE STATE OF CALIFORNIA**

12 IN THE MATTER OF:

13 **ELISA D. COOPER**

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15

) DMHC No.: 05-081

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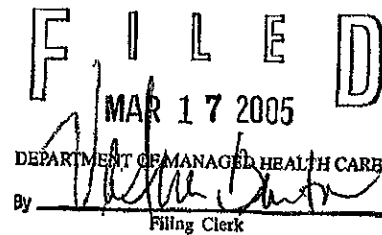
) **ORDER FOR DISCONTINUANCE OF  
INJURIOUS PRACTICES AND  
NOTICE OF RIGHT TO HEARING**

16  
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18 **1819 Oregon Street**  
19 **Alameda, CA 94703**

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22 receiving a request for hearing by the plan, the matter shall be  
set for hearing to commence with [sic] 15 business days after  
receipt of the request, unless that person consents to have the  
hearing commence at a later date.

23 5. If no hearing is requested within fifteen (15) days after the mailing or service  
24 of the required notice, and the Director orders none, the order shall become final on the 15th  
25 day without a hearing and shall not be subject to review by any court or agency. (Health and  
26 Safety Code section 1391.5, subdivision (c).)

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